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23 UNITED STATES DISTRICT COURT  
24 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
25 SAN FRANCISCO DIVISION

26 AMERICAN FEDERATION OF  
27 GOVERNMENT EMPLOYEES, AFL-CIO, et  
28 al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**MOTION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO  
SHOW CAUSE**

**MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

TO ALL DEFENDANTS: PLEASE TAKE NOTICE that as soon as counsel may be heard in Courtroom 1, 17th Floor, United States District Court, Northern District of California, located at 450 Golden Gate Avenue, San Francisco, CA, Plaintiffs<sup>1</sup> will move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure and Rule 65-1 of the Civil Local Rules and this Court's authority to "issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights," 5 U.S.C. §705, for a temporary restraining order follows:

1. Enjoin and/or stay Defendants Office of Management and Budget ("OMB"), Office of Personnel Management ("OPM"), Department of Government Efficiency ("DOGE"), AmeriCorps, Department of Agriculture, Department of Commerce, Department of Energy, Environmental Protection Agency, General Services Agency, Department of Health and Human Services, Department of Housing and Urban Development, Department of Interior, Department of Labor, National Labor Relations Board, National Science Foundation, Small Business Association, Social Security Administration, Department of State, Department of Treasury, and Department of Veteran Affairs and their agency heads named in their official capacities as Defendants in this lawsuit, their officers, agents, servants, employees, and attorneys, and all persons acting by, through, under, or in concert with these Defendants, from taking any action to implement or enforce Executive Order 14210, 90 Fed. Reg. 9669 (Feb. 11, 2025) or the OMB/OPM Memorandum re: Guidance on Agency RIF and Reorganization Plans Requested by Implementing The Presidents "Department of Government Efficiency" Workforce Optimization Initiative (Feb. 26, 2025), including but not limited to:

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<sup>1</sup> Moving plaintiffs are: American Federation of Government Employees, AFL-CIO; American Federation of State County and Municipal Employees, AFL-CIO; Service Employees International Union, AFL-CIO; AFGE Local 1122; AFGE Local 1236; AFGE Local 2110; AFGE Local 3172; SEIU Local 1000; Alliance For Retired Americans; American Geophysical Union; American Public Health Association; Center For Taxpayer Rights; Coalition To Protect America's National Parks; Common Defense Civic Engagement; Main Street Alliance; Northeast Organic Farming Association, Inc.; VoteVets Action Fund Inc.; Western Watersheds Project; County of Santa Clara, California; City of Chicago, Illinois; Martin Luther King, Jr. County, Washington; Harris County, Texas; City of Baltimore, Maryland; and City and County of San Francisco, California.

1 (1) any further approval of Agency RIF and Reorganization Plans (“ARRPs”) by OMB and  
2 OPM;

3 (2) any further orders by DOGE to agencies to cut programs or staff in conjunction with  
4 implementing the Executive Order, the OMB/OPM Memorandum, or the ARRPs;

5 (3) any further implementation of the Executive Order, the OMB/OPM Memorandum, or  
6 ARRPs by Federal Agency Defendants, including but not limited to execution of any existing  
7 reduction in force (“RIF”) notices, issuance of any further RIF notices, and placement of employees  
8 on administrative leave; and

9 (4) any further transfer of functions or programs between any Federal Agency Defendants in  
10 conjunction with implementing the Executive Order, the OMB/OPM Memorandum, or the ARRPs.

11 2. Order Defendants OPM and OMB to provide to the Court and to Plaintiffs the current  
12 versions of the ARRPs of the Federal Defendant Agencies identified above.

13 3. Order Defendants to serve and file a declaration(s) verifying that they have complied  
14 with this Order and detailing what steps, if any, they have taken to do so.

15 The Motion is made on the grounds that (1) Plaintiffs are likely to prevail on their claims that  
16 President Trump’s Workforce Executive Order No. 14210 is *ultra vires* and unconstitutional; that the  
17 actions of OMB, OPM, and DOGE to implement the Executive Order are *ultra vires* and violate the  
18 Administrative Procedure Act (“APA”), 5 U.S.C. §706(2)(A), (C), and that OMB and OPM failed to  
19 engage in notice-and-comment rulemaking as required under 5 U.S.C. §706(2)(D); and that the  
20 actions of the other Federal Agency Defendants named above to implement the Executive Order, the  
21 OMB/OPM Memorandum, and the ARRPs violate the Administrative Procedure Act, *id.* §706(2)(A),  
22 (C); (2) that Plaintiffs will suffer irreparable injury unless the relief requested is granted; and (3) that  
23 the balance of equities and public interest favor injunctive relief.

24 This Motion is supported by the accompanying Plaintiffs’ Memorandum in Support of Motion  
25 for Temporary Restraining Order and Appendices; the Declarations listed in the accompanying Index  
26 of Evidence; the Complaint; and the entire record in this case. Plaintiffs have provided notice of this  
27 Motion and are serving it through the Court’s electronic filing service, as set forth in the  
28 accompanying Declaration of Plaintiffs’ counsel Barbara J. Chisholm.

1 DATED: May 1, 2025

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